

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CORUS CONSTRUCTION VENTURE, LLC.,

Plaintiff,

- against -

CANTON ON THE PARK, LLC., et al.,

Defendants.  
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**MAUSKOPF, United States District Judge.**

**ORDER DECLINING  
SUPPLEMENTAL  
JURISDICTION AND  
REMANDING THE MATTER  
TO SUPREME COURT,  
KINGS COUNTY**  
10-CV-0526 (RRM) (RLM)

For the reasons discussed on the record at the conference held on January 6, 2011, as well as those set forth in the Letter Brief submitted by Defendant Springline Builders LLC [36], in the exercise of its discretion pursuant to 28 U.S.C. § 1367(c), this Court declines to exercise supplemental jurisdiction over the state law claims that remain in this action. *See Valencia v. Lee*, 316 F.3d 299 (2d Cir. 2003).

Simply put, this commercial foreclosure action was litigated in state court for two years before its removal to this Court by the FDIC as Receiver for Plaintiff Corus Bank, N.A. The FDIC has settled all claims, and is no longer a party to this action. During the entire pendency of this action in this Court, this Court has not heard or addressed any substantive issues, and has not had any involvement which has given it intimate knowledge of the facts or the law related to these claims. All that remains in this action are purely state claims that will require, principally, a court-ordered sale of the property and the determination under New York law of the priority of various liens in a motion for summary judgment. These are matters that are typically, properly and best adjudicated by the state court and its specialized foreclosure part, the very court that handled this matter for over two years. And notwithstanding Plaintiff's protestations to the contrary, the state court can ably and expeditiously address the remaining issues. There is

nothing other than Plaintiff's speculation to suggest that the case would move any quicker here, or slower there.

### **CONCLUSION**

For these reasons, and others as discussed on the record and in Defendant's submission, the Court declines to exercise supplemental jurisdiction over the remaining state claims. The Clerk of Court is directed to immediately remand this matter back to the Supreme Court of the State of New York, County of Kings, and to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
January 14, 2011

/S/  

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ROSLYNN R. MAUSKOPF  
United States District Judge